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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,371	11/14/2003	Kazuhisa Kondo	91002	1597

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EXAMINER

EPPS, TODD MICHAEL

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/713,371	Applicant(s) KONDO, KAZUHISA	
	Examiner Todd M. Epps	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/20/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for serial number 10/713,371, Microphone Support, filed on November 20, 2002.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 1, line 5, "ratatably" should be changed to ---rotatably---.

Claim 2, line 17, "±110 degrees" should be specified. It is unclear if the applicant is claiming the swinging angle range greater or less than 110 degrees.

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Regarding claim 1, the word "means" is preceded by the word(s) "rotation restriction" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claims 2-4 are rejected as depending on rejected claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,805,709 to Liou. Liou teaches a microphone support (figure 2) comprising a base frame (20), and a supporting member (40) with a supporting pipe (50) on tip of which a microphone is mounted. The supporting member (40) includes a universal ball (41) rotating with a pipe through-hole (45) above. A rotation-restriction (22) is mounted between the universal ball (41) and the base frame (20).

Regarding claim 3, the Liou reference shows a desktop microphone base (figure 2) with the universal ball (41) retained securely by the restriction groove (233) of the rotation-restriction (22) when the supporting pipe (50) is turned.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent number 5,805,709 to Liou.

As noted above, the Liou reference shows a desktop microphone base (figure 2) with the supporting member (40) at one end thereof with a universal ball (41) of a spherical construction. The Liou reference does teach a supporting pipe (50) may be moved almost omnidirectionally through the supporting member (40), however, it does not teach certain amount of swinging angle range of the supporting member (40) to 110 degrees. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the swinging angle range, that is, as greater than 110 degrees where in doing so would make the microphone easier to move.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent number 5,805,709 to Liou in view of U.S. Patent number 2,901,552 to Geloso.

As noted above, the Liou reference shows a desktop microphone base (figure 2) with the supporting member (40) at the free end thereof with a pipe through-hole (45)

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tubular in shape for holding a supporting pipe on a desktop. The Liou reference does not teach a screw type-fixing member to fix the supporting pipe to the pipe through-hole of the universal ball. Attention is directed to the Geloso reference, which teaches a desktop microphone combined with support for pen with a screw type-fixing member (7) to fix the supporting pipe (6) to the pipe through-hole of the universal ball (1).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the desktop microphone base of Liou in view of the teachings of Geloso with a screw type-fixing member, where in doing so would make the microphone support mounted on the universal ball with ease for adjustment and precision when the microphone is moved.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent # 1,509,068 to Herron

U.S. Patent # 3,153,123 to Harman

U.S. Patent # 4,853,965 to Blonski

U.S. Patent # D176, 069 to Kamp

The above references disclose structure similar to the applicant's invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 571-272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd M. Epps
Patent Examiner
Art Unit 3632
May 25, 2005

T.E.
A. [Signature]